

HOUSE BILL No. 1519

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-10-26.5.

Synopsis: Property tax exemption. Provides that certain tangible property is exempt from property taxation if the tangible property is owned by an agricultural organization that is exempt from federal income taxation under Section 501(c)(5) of the Internal Revenue Code. Provides that the exemption is retroactive to the 2011 assessment date. Provides that eligible taxpayers may submit exemption applications before September 1, 2015, for property tax exemptions for eligible properties with respect to the 2011 through 2015 assessment dates. Provides that an eligible taxpayer is entitled to a property tax exemption if the county assessor finds that the parcel would have qualified for an exemption if the retroactive exemption had been in place on the covered assessment dates. Provides that an eligible taxpayer is entitled to a refund for any back taxes, penalties, and interest paid with respect to the eligible property. Provides that refunds may be paid in two annual installments.

Effective: January 1, 2011 (retroactive).

Heaton

January 20, 2015, read first time and referred to Committee on Ways and Means.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1519

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-10-26.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: **Sec. 26.5. (a)**
4 **This section applies to an assessment date occurring after**
5 **December 31, 2010.**

6 **(b) The following tangible property is exempt from property**
7 **taxation if the tangible property is owned by an agricultural**
8 **organization that is exempt from federal income taxation under**
9 **Section 501(c)(5) of the Internal Revenue Code:**

10 **(1) A tract of land of not more than one hundred forty (140)**
11 **acres on which a county fair has been conducted for at least**
12 **fifty (50) years.**

13 **(2) The improvements situated on the tract of land.**

14 **(3) The personal property located on the tract of land and**
15 **used for the exempt purposes of the agricultural organization.**



1 SECTION 2. [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]

2 (a) This SECTION applies notwithstanding IC 6-1.1-10,
3 IC 6-1.1-11, or any other law or administrative rule or provision.

4 (b) This SECTION applies to an assessment date occurring after
5 December 31, 2010, and before January 1, 2016.

6 (c) As used in this SECTION, "eligible property" means the
7 following items of tangible property owned by an agricultural
8 organization that is exempt from federal income taxation under
9 Section 501(c)(5) of the Internal Revenue Code:

10 (1) A tract of land of not more than one hundred forty (140)
11 acres on which a county fair has been conducted for at least
12 fifty (50) years.

13 (2) The improvements situated on the tract of land.

14 (3) Personal property located on the tract of land and used for
15 the exempt purposes of the agricultural organization.

16 (d) As used in this SECTION, "qualified taxpayer" refers to an
17 agricultural organization that:

18 (1) is exempt from federal income taxes; and

19 (2) owns an eligible property.

20 (e) A qualified taxpayer may, before September 1, 2015, file
21 with the county assessor of the county in which the eligible
22 property is located, a property tax exemption application and
23 supporting documents claiming a property tax exemption under
24 IC 6-1.1-10-26.5 and this SECTION for the eligible property for
25 one (1) or more of the following assessment dates:

26 (1) The March 1, 2011, assessment date.

27 (2) The March 1, 2012, assessment date.

28 (3) The March 1, 2013, assessment date.

29 (4) The March 1, 2014, assessment date.

30 (5) The March 1, 2015, assessment date.

31 (f) A property tax exemption application filed under subsection
32 (e) by a qualified taxpayer is considered to have been timely filed.

33 (g) If the county assessor finds that the eligible property would
34 have qualified for an exemption under IC 6-1.1-10-26.5 for an
35 assessment date described in subsection (e) if IC 6-1.1-10-26.5 had
36 been enacted before January 1, 2011, the county assessor shall
37 grant the eligible taxpayer an exemption under this section for
38 each assessment date described in subsection (e).

39 (h) If an exemption is allowed by the county assessor under this
40 SECTION, the following apply:

41 (1) No further ruling or action by the county property tax
42 assessment board of appeals of the county in which the



1 eligible property is located or by the Indiana board of tax
2 review is necessary.

3 (2) The qualified taxpayer is not required to pay any property
4 taxes, penalties, or interest with respect to the eligible
5 property for that assessment date.

6 (i) To the extent the qualified taxpayer has paid any property
7 taxes, penalties, or interest with respect to the eligible property for
8 an assessment date described in subsection (e), the eligible taxpayer
9 is entitled to a refund of the amounts paid. Notwithstanding the
10 filing deadlines for a claim in IC 6-1.1-26, any claim for a refund
11 filed by an eligible taxpayer under this subsection before
12 September 1, 2015, is considered timely filed. The county auditor
13 may make a determination that any refund due under this
14 SECTION shall be paid in two (2) equal annual installments.

15 (j) This SECTION expires July 1, 2018.

16 SECTION 3. An emergency is declared for this act.

